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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/658,560
Filing Date	September 8, 2003
First Named Inventor	David Harris, et al.
Group Art Unit	2646
Examiner Name	Huyen D. Le
Attorney Docket Number	033964-1010

Total Number of Pages in This Submission

2

## ENCLOSURES (check all that apply)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply (\$ _____)<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request (\$ _____)<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement (\$ _____)<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Notice to File Missing Parts/ Incomplete Application (\$ _____)<br><input type="checkbox"/> A copy of the Notice to File Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Copy of Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s) 7 pages<br><input type="checkbox"/> Declaration and Power of Attorney<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition (\$ _____)<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input checked="" type="checkbox"/> Power of Attorney to Prosecute Applications Before the USPTO<br><input type="checkbox"/> Terminal Disclaimer (\$ _____)<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (\$ _____) (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Application Data Sheet<br><input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures<br><input type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>Statement Under 37 CFR 3.73(b) |
| Remarks  | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.   |   |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Tim L. Brackett, Jr., Esq., Reg. No. 36,092 Nixon Peabody LLP 401 9th Street, N.W., Suite 900 Washington, D.C. 20004-2128 Telephone: (202) 585-8000 Fax: (202) 585-8080
Signature	
Date	8-17-05

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

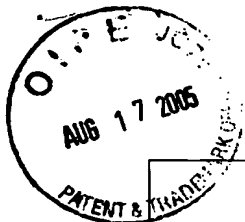
I hereby certify that this correspondence is being:

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Kenneth David Harris, Jr. et al.

Application No./Patent No.: 10/658,560 Filed/Issue Date: September 8, 2003

Entitled: FOLDABLE HEADPHONES

BROOKSTONE PURCHASING, INC., a corporation,  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: David Harris, et al. To: Brookstone Company, Inc.  
The document was recorded in the United States Patent and Trademark Office on December 10, 2003 at Reel 014772, Frame 0367, or for which a copy thereof is attached.
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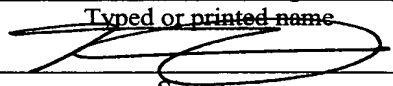
☐ Additional documents in the chain of title are listed on a supplemental sheet.

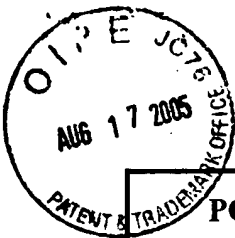
- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

8-17-05  
Date

Tim L. Brackett, Jr., Reg. No. 36,092  
Typed or printed name  
  
Signature  
Attorney  
Title



## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

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54945

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

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Assignee Name and Address:

Brookstone Purchasing, Inc.  
One Innovation Way  
Merrimack, New Hampshire 03054

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	7-20-05
Name	Daniel J. Burke	Telephone	(603) 577-8185
Title	General Counsel & Assistant Secretary		